

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK RANKINE,)	
)	
Plaintiff,)	Civil Action No. 04-100E
)	
)	Judge Sean J. McLaughlin
v.)	Magistrate Susan Paradise Baxter
)	
LOUIS FOLINO, et al.)	Electronically Filed
)	
Defendants.)	

STATEMENT OF MATERIAL FACTS NOT IN DISPUTE

1. All of the remaining actionable claims against all of the remaining defendants in this case are accumulated in the Report and Recommendation of April 11, 2005.
2. The attached affidavits authenticate and interpret appendixs 1-4 of the instant motion for summary judgment etc.
3. Mr. Rankine has not managed to exhaust a single pertinent grievance regarding any of the claims that have not been dismissed.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

By: /s/Kemal Mericli
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Date: January 12, 2007

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2007, I electronically filed the foregoing **Statement of Material Facts not in Dispute** with the Clerk of Court using the CM/ECF system. This document will be mailed via U.S. mail to the following non CM/ECF participants:

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Date: January 12, 2007